

AG Contract No. KR97-0734TRN  
ADOT ECS File No. JPA 96-190  
Project: 951-1-503/H3666 01C  
Section: I-10B, Park Avenue - Valencia

INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND  
PIMA COUNTY, ARIZONA

THIS AGREEMENT is entered into 23 July, 1997,  
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954,  
as amended, between the STATE OF ARIZONA, acting by and through its  
DEPARTMENT OF TRANSPORTATION (the "State") and PIMA COUNTY, ARIZONA,  
acting by and through its BOARD OF SUPERVISORS (the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the County.

3. Incident to a highway improvement project on I-10B from Park Avenue to Valencia Road contemplated by the State, the State and the County have agreed that upon completion of the project the State will abandon ownership jurisdiction and maintenance responsibility and transfer to the County I-10B within the County limits from Country Club to Valencia Road.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO.	<u>21737</u>
FILED WITH SECRETARY OF STATE	
Date Filed	<u>07/23/97</u>
	<u>Gene Lee Hunt</u>
	Secretary of State
By	<u>Vicky Graenwald</u>

## II. SCOPE

### 1. The State will:

a. Provide to State standards design plans, specifications and such other documents and services required for the I-10B improvement project suitable for construction bidding and construction. Incorporate County review comments as appropriate.

b. Call for bids and award one or more construction contracts for the project. Administer same and make all payments to the contractor. Be responsible for any contractor claims for extra compensation.

c. Upon completion, approve and accept the project improvements as complete.

e. Upon completion of the project improvements, and upon approval of and via Resolution of the State Transportation Board, abandon ownership jurisdiction and maintenance responsibility for I-10B within the County limits from Country Club to Valencia Road to the County.

### 2. The County will:

a. Review the design documents and provide comments.

b. Waive the requirements of Arizona Revised Statutes Section 28-106.

c. Upon approval of and by Resolution of the Board of Supervisors, accept jurisdiction and maintenance responsibility for the roadway on I-10B within the County limits from Country Club to Valencia Road.

## III. MISCELLANEOUS PROVISIONS

1. To the extent permitted by law, each party to this agreement shall indemnify, defend and save harmless the other, including agents, officers, directors and employees thereof, from and against any loss or expense incurred as a result of any claim or suit of any nature whatsoever which arises out of a negligent or wrongful act or omission pursuant to this agreement. Each party shall be liable for their own negligence or wrongful acts as provided by law.

2. This agreement shall remain in force and effect until completion of said improvements and abandonment; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

3. This agreement shall become effective upon filing with the Secretary of State.

4. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

5. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

6. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

7. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Mail Drop 616E  
Phoenix, AZ 85007

Pima County  
Transportation Director  
201 North Stone - 3rd floor  
Tucson, AZ 85701

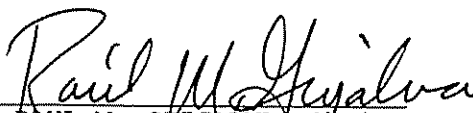
8. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.


PIMA COUNTY

STATE OF ARIZONA  
Department of Transportation

By

  
RAUL M. GRIJALVA, Chairman  
Board of Supervisors


By

  
EDWARD D. WRIGHT  
Deputy State Engineer

JUN 03 1997

ATTEST


By

  
LORI GODOSHIAN  
Clerk of the Board

RESOLUTION

BE IT RESOLVED on this 30th day of April 1997, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with Pima County for the purpose of defining responsibilities for the design, construction and maintenance roadway improvements on I-10B, Park Avenue - Valencia and the subsequent abandonment of I-10B to the County of I-10B from Park Avenue to Valencia in the County.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.

  
for LARRY S. BONINE  
Director

RESOLUTION NO. 1997 -107

RESOLUTION OF PIMA COUNTY BOARD OF SUPERVISORS APPROVING AND AUTHORIZING THE EXECUTION OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN PIMA COUNTY AND THE STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION (ADOT), WHICH AGREEMENT PROVIDES FOR COMPLETING THE DESIGN, CONSTRUCTION, AND DEFINING THE RESPONSIBILITIES OF THE PARTIES, FOR ROADWAY IMPROVEMENTS ON I-10B, FROM PARK AVENUE TO VALENCIA IN PIMA COUNTY, ARIZONA (ADOT JPA 96-190).

**WHEREAS**, Pima County has determined it to be in the best interest of the Public to enter into the Intergovernmental Agreement with ADOT, pursuant to A.R.S. § 11-951 et seq., for the purpose of funding the design, construction, and defining the responsibilities of the parties for roadway improvements to be constructed on I-10B (Benson Highway) from Park Avenue to Valencia, and

**WHEREAS**, ADOT agrees to provide all funding, design, and contracts for, the construction of roadway improvements on I-10B from Park Avenue to Valencia Road, and

**WHEREAS**, Pima County agrees to accept the ownership, jurisdiction and future maintenance responsibilities of the roadway segment on I-10B from Country Club Road to Valencia Road upon satisfactory completion of the improvements.

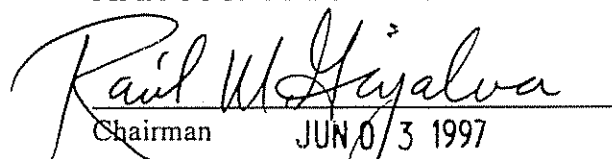
**NOW, THEREFORE, UPON MOTION DULY MADE, SECONDED AND CARRIED, BE IT RESOLVED:**

**THAT**, Pima County enter into the Intergovernmental Agreement with ADOT for the purpose of funding the design, construction, and defining the responsibilities of the parties for construction of roadway improvements on I-10B from Park Avenue to Valencia Road, and agree to accept ownership, jurisdiction and future maintenance responsibilities of the roadway segment on I-10B from Country Club Road to Valencia Road upon satisfactory completion of the improvements.

**THAT**, the Chairman of this Board is hereby authorized and directed to sign the Intergovernmental the Arizona Department of Transportation.

**PASSED, ADOPTED AND APPROVED** this 3rd day of June 1997

PIMA COUNTY BOARD OF SUPERVISORS

  
Chairman JUN 03 1997

ATTEST:

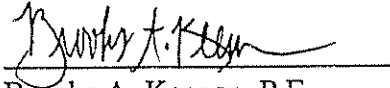
  
Clerk Board of Supervisors

APPROVED AS TO FORM:

 5.28.97  
Deputy County Attorney

## APPROVAL

The foregoing Intergovernmental Agreement (JPA 96-190), by and between the Arizona Department of Transportation and Pima County, has been reviewed and is hereby approved as to content.



Brooks A. Keenan, P.E.

Acting Director

Pima County Department of Transportation  
and Flood Control District

5/27/97

date

APPROVAL OF THE PIMA COUNTY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and PIMA COUNTY and declare this agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

DATED this 23<sup>rd</sup> day of May, 1997.

Chin L. L. L. L.  
County Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON. PHOENIX 85007-2926

GRANT WOODS  
ATTORNEY GENERAL

TRN Main: (602) 542-1680  
Direct: (602) 542-8837  
Fax: (602) 542-3646  
MAIN PHONE : 542-5025  
TELECOPIER : 542-4085

**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR97-0734TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED July 17, 1997.

GRANT WOODS  
Attorney General

JAMES R. REDPATH  
Assistant Attorney General  
Transportation Section

JRR:ct/6498